

**Policy Committee Notes**  
**January 15, 2019**

Present: Amy Fowler, James Barrett, Rani Dasi, Ericka Newkirk, Jessica O'Donovan, and Donna Wyatt

Ms O'Donovan reviewed the revisions to Policy 3420 and Policy 3470. The policy committee requested some minor changes. The policy will go to the Board on Discussion and Action.

**Policy 3420 STUDENT PROMOTION AND ACCOUNTABILITY**

**Section H CREDIT RECOVERY** was moved and updated (based on NCSBA sample policy) from Policy 3460 "Students Not Earning Credit the First Time May Seek Credit Recovery" **(Required)**

This section is required to be included in Local policy based on State Board of Education policy CCRE-001, which requires school systems to develop local policies and procedures, by the beginning of 2019-20 school year, addressing implementation of credit recovery opportunities across the school system. At a minimum, credit recovery policies and procedures must address factors for student participation, content alignment to the original course, instructional delivery methods, and a process to ensure consistency in implementation across the school system.

This section was moved from Policy 3460 to Policy 3420 to align with the NCSBA model manual in order to facilitate tracking and integrating future updates.

● **Section I REPEATING A COURSE FOR CREDIT**

1. "Repeating a Previously Failed Course" was moved and updated (based on NCSBA sample policy) from Policy 3460 "Students Not Earning Credit the First Time May Seek Credit Recovery" **(Required)**

This section was moved from Policy 3460 to Policy 3420 to align with the NCSBA model manual in order to facilitate tracking and integrating future updates.

2. "Repeating a Course for which Credit was Earned" was added **(Optional)**

This section, which is optional, was added to align with the NCSBA model manual and to establish consistent procedures and guidelines across the school system for a practice that is currently in place. The draft was shared with lead high school counselors and a high school principal representative, compared against other local school board policies, and then further revised. The Board is not required to allow students to repeat courses that they have previously passed. However, if this practice is permitted, NCSBA recommends that the Board should provide clear direction to parents and employees as to how a student's grade, GPA, class rank, and honor roll eligibility will be determined.

**Policy 3470/4305 ALTERNATIVE LEARNING PROGRAMS/SCHOOLS**

This policy was updated by NCSBA to reorganize and streamline the text for improved readability and understanding. The most significant changes include the following:

- **Section A: PURPOSES**

The purpose statement in Section A has been rewritten to reflect the functional purposes served by alternative programs and schools. **(Recommended)**

- **Section B: STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS**

Unnecessary language has been removed. **(Recommended)**

- **Section C: TRANSFER TO ALTERNATIVE LEARNING PROGRAMS**

This section has been reorganized and revised to **(All Are Recommended)**:

- 1) eliminate the distinction between “voluntary” and “involuntary” transfers (the list of reasons now includes both those that will result in a voluntary transfer and those that will result in an involuntary transfer;
- 2) revise the list of reasons for transfer of a student to an alternative school - transfer as a consequence in the Code of Student Conduct has been removed as a basis for transfer, and recommendation for long-term suspension or expulsion has been added as an additional basis;
- 3) clarify that students who are recommended for long-term suspension or expulsion and who received due process through the disciplinary process do not require additional referral procedures; and
- 4) clarify that the multidisciplinary team decides whether a student will be transferred to an alternative school in all other cases.

- **Section E: ADMINISTRATIVE ASSIGNMENTS**

A sentence has been eliminated because the matter now is addressed in Section A. **(Recommended)**

- **Section H: EVALUATION OF ALTERNATIVE LEARNING PROGRAMS**

- **2. Information to be Reported to the Board of Education**

The information that must be reported to the board annually has been substantially reduced. **(Optional)**

- Legal references have been updated. **(Required)**

Ms Newkirk reviewed the revisions to Polices 7130, 7300, 7610, 7730, and 7920

**Policy 7130:** The policy has been reformatted to provide the following:

- Revises language in Section A to reflect changes to SBE Policy LICN-001. **(Required)**
- Adds subsection B.4 to address a new statutory licensure exemption for Cherokee language and culture instructors. **(Strongly recommended)**
- Adds subsection B.5 to include the licensure exemption for drivers education instructors who have Certified Training Instructor status. **(Strongly recommended)**

- Revises the language in Section D due to changes in State Board policy. **(Required – see note)**
- Changes the language in Section F to track the language in federal law. **(Required)**
- Updates the legal references. **(Required)**

**Note:** New SBE Policy LICN-022 states that to convert an Initial Professional License to a Continuing Professional License, a professional educator must (1) meet all testing requirements (see LICN-003), (2) meet all coursework requirements, if applicable (see LICN-001); and (3) participate in a Beginning Teacher Support Program if the teacher has fewer than three years of experience. Previously, teachers were required to have three years of teaching experience to convert an initial license to a continuing license.

**Policy 7300:** The policy has been reformatted to provide the following:

- Adds information regarding driver education instructors. **(Strongly recommended)**
- Includes another minor revision. **(Recommended)**
- Updates legal references. **(Strongly Recommended)**

**Policy 7610:** The policy has been reformatted to provide the following:

- Adds a new condition that limits the board's obligation to provide a legal defense for employees to situations where the employee does not have access to a legal defense provided through insurance or other liability coverage. **(Recommended)**
- Adds a new final paragraph stating that the policy is not intended to create contractual rights or to waive any claim of immunity, to address a recent court case. **(Recommended – see note)**

**Note:** In *Wray v. City of Greensboro*, the North Carolina Supreme Court refused to dismiss, on the basis of governmental immunity, a claim for breach of contract against the city of Greensboro by its former police chief. The plaintiff alleged that a resolution passed by the city council – which stated the city would provide a defense if an employee were sued – gave him a contractual right, which the city then breached by refusing to pay for his legal defense in a subsequent lawsuit. The new language in policy 7610 is intended to refute any claim that the policy creates a contractual right to a legal defense. Consult the board attorney for further guidance on this issue.

**Policy 7730:** The policy has been reformatted to provide the following:

- Revises the introductory paragraph to more clearly explain the board's expectations of employees. **(Recommended)**
- Reorganizes the policy into separate sections on conflicts related to contracts, misuse of information, non-school employment, and receipt of gifts. **(Recommended)**
- Adds a new provision to Section A to address conflicts of interest related to contracts supported by federal funds. **(Strongly recommended)**
- Revises statement in subsection A.3 to align with state law. **(Strongly recommended)**
- Adds a new statutory exception in Section A for employment contracts between the board and the superintendent's spouse. **(Recommended)**

- Adds new information in Section B to prohibit misuse of information, in accordance with state law requirements. **(Strongly recommended)**
- Revises statement in subsection C.5 to be consistent with the paragraph that follows the statement. **(Recommended)**
- Adds a statement to Section C to clarify that all sections of the policy apply to the superintendent. **(Recommended)**
- Expands Section D, Receipt of Gifts, to:
  - prohibit “solicitation” and acceptance of gifts;
  - provide additional examples of prohibited gifts and gifts that may be accepted;
  - define nominal value in accordance with policy 8305 so that there is a uniform standard applicable to receipt of gifts in all circumstances; and
  - specify that separate rules apply to employees involved in purchasing and procurement activities. **(Strongly recommended)**
- Adds new Section E to address reporting of a violation and consequences for violations. **(Recommended – see Note 1)**
- Updates the legal references. **(Strongly recommended)**
- Updates the cross references. **(Recommended)**

**Note 1:** Boards that use federal funds in procurement activities must comply with federal regulations which require the imposition of disciplinary consequences for violation of the federal conflict of interest and gifting rules found in 2 C.F.R. 200.318(c)(1). For this reason, boards should adopt at least the last sentence of Section E.

**Note 2:** Policies 2121, 6220, 6401/9100, 7730, and 8305 all address conflict of interest rules, but differ with respect to whom they apply and under what circumstances, and with respect to the application of state law and federal regulations. To the extent that these policies have provisions in common, they have been revised to make them consistent with each other.

**Policy 7920:** The policy has been reformatted to provide the following:

- Removes the outdated reference to highly qualified status. **(Required)**
- Updates the cross references. **(Recommended)**

These policies will go to the Board on Discussion and Action.